



November 6, 2019

URGENT MATTER

The Hon. William Barr
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

Dear Attorney General Barr:

As attorneys representing whistleblowers for over [35-years](#) we are extremely concerned about the nation-wide “chilling effect” the disclosure of the identity of any intelligence community whistleblower will necessarily cause. Whistleblowers need to reassurance that the laws protecting them will be strictly enforced.

As the Justice Department is well aware, in 2002 the federal obstruction of justice laws were amended to explicitly prevent retaliation against whistleblowers. The 2002 amendment states as follows:

Whoever knowingly, with the intent to retaliate, takes any action harmful to any person, including interference with the lawful employment or livelihood of any person, for providing to a law enforcement officer any truthful information relating to the commission or possible commission of any Federal offense, shall be fined under this title or imprisoned not more than 10 years, or both.

[18 U.S.C. § 1513\(e\).](#)¹

This statute makes clear that the intelligence community whistleblower who filed a valid concern with the Inspector General of the Intelligence Community would

¹ Other obstruction of justice laws which prevent intimidation of witnesses before congressional or administrative proceedings would also be applicable. See, e.g. 18 U.S.C. §§ 1503, [1512\(d\)](#), and [1513\(b\)](#). Additionally, any person with a security clearance who may be assisting in the disclosure of the whistleblower’s identity should also be subject to a security investigation because engaging in violation of several laws to reveal the identity of, or otherwise harass and intimidate a whistleblower or federal witness is illegal, and willfully engaging in such activity under these circumstances would pose a risk to national security.

be fully protected under this law, and any person who retaliates against this whistleblower would be guilty of a serious felony under federal law. This felony would also qualify as a “high crime or misdemeanor” under the U.S. Constitution.

Based on the public record, the following facts are indisputable:

1. The whistleblower provided information for which he or she reasonably believed was “truthful” to federal “law enforcement” about a “possible” “federal offense;”
2. The whistleblower works for an intelligence agency for which any disclosure of his or her identity would “interfere” with the whistleblower’s “employment” or ability to obtain a “livelihood.”

Thus, the disclosure of this whistleblower’s identity to the public would constitute a criminal obstruction of justice.

Given the high-profile nature of this case, and the “chilling effect” the disclosure of the whistleblower’s identity will have on other potential confidential informants to the United States, we request that you immediately open a criminal obstruction of justice investigation to root out who is responsible for any potential leak of the identity of the whistleblower.

If the name is revealed by any person, including Donald Trump, Jr., we hereby request that the persons engaging in this obstruction of justice be immediately arrested.

Respectfully submitted,

Stephen M. Kohn
Michael D. Kohn
David K. Colapinto

CC:

Brian A. Benczkowski
Assistant Attorney General
Criminal Division

Christopher Wray
Director
Federal Bureau of Investigation

House Intelligence Committee
Senate Intelligence Committee